IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

WP(C).No. 7030 of 2006(J)

PETITIONER:

TRESA ABRAHAM. K., LECTURER IN ENGLISH
BHARATH MATHA COLLEGE, THRIKAKARA.

BY ADV. SRI.KKM.SHERIF
SRI.P.M.KUNJIMOIDEENKUTTY
SRI.P.A.MOHAMMED ASHROF
SRI.LAL K.JOSEPH, SRI.A.A.ZIYAD RAHMAN
SMT.REEJA RANI

RESPONDENTS:
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1. STATE OF KERALA, REP. BY
PRINCIPAL SECRETARY, HIGHER EDUCATION
DEPARTMENT, TRIVANDRUM.

2. THE DIRECTOR OF COLLEGIATE EDUCATION
VIKAS BHAVAN, THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, ERNAKULAM.

4. THE REGISTRAR, MAHATMA GANDHI
UNIVERSITY, ETTUMANNOOR, KOTTAYAM.

5. THE PRINCIPAL, BHARATH MATHA COLLEGE,
THRIKKAKARA.

R5 BY ADV. SRI.V.M.KURIAN
SRI.A.V.THOMAS
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS
R4 RI.V.A.MUHAMMED, SC, M.G.UNIVERSITY
R1 TO R3 BYGOVERNMENT PLEADER SRI. T.T. MUHAMMED.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 7030 OF 2006.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF THE APPOINTMENT ORDER DATED 6.6.1994.

EXT. P1 (a) : TRUE COPY OF THE APPROVAL ORDER DATED 20.5.1996.

EXT. P2 : TRUE COPY OF THE ORDER DATED 22.4.2005.

EXT. P3 : TRUE COPY OF THE COMMUNICATION NO.F2-3/2000 (PS) DATED 9.10.2003.

EXT. P3(a) : TRUE COPY OF THE CIRCULAR NO.AC.B.V/1/261/2001 DATED 29.3.2003.

EXT. P4 : TRUE COPY OF THE COMMUNICATION DATED 14.12.2005.

EXT. P5 : TRUE COPY OF THE REPRESNTATION DATED 4.1.2006.

EXT. P6 : TRUE COPYOF THE STATEMENT FOR REASSESSMENT OF WORKLOAD.

EXT. P7 : TRUE COPYOF THE JUDGMENT DATED 25.3.2003 IN O.P. NO.10008/03.

EXT. P8 : TRUE COPYOF THE ORDER NO.AC.II/UGC-GEN/91 DATED 16.10.1991.

EXT. P9 : TRUE COPYOF THE CIRCULAR NO. PA1(3) 101568/2006/COLL.EDN. DATED 1.3.2006.

EXT. P10 : TRUE COPYOF THE SENIORITY LIST OF DEPARTMENT OF ENGLISH AS 1.6.2001.

RESPONDENTS' EXTS:

EXT. R3(A) TRUE COPYOF THE SENIORITY LIST OF DEPARTMENT OF ENGLISH AS ON 1.11.98 ALONG WITH LETTER NO.A2/DP/40/05-06 DATED 24.8.2005.

EXT. R3(b) : TRUE COPYOF THE SENIORITY LIST DT. 1.11.98 SIGNED BY THE PRINCIPAL.

EXT. R3(c) : TRUE COPY OF CIRCULAR NO.29798/D1/03/H. EDN. DATED 9.2.2004.

EXT. R3(d) : TRUE COPY OF LETTER NO.UGC.1(1) 40303/04 DATED 3.11.2004 OF THE DIRECTOR OF COLLEGIATE EDUCATION.

EXT. R3(e) : A TRUE COPY OF GOVERNMENT LETTER NO.30277/M/98/H.EDN. DATED 16.10.99.

EXT. R3(f) : TRUE COPYOF ORDER NO.ACB.V.498/02 DATED 18.2.2003.

K.M.JOSEPH, J.

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WP.(C) No.7030 OF 2006

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Dated this the 18th day of December, 2006

JUDGMENT

By Ext.P2 approval is granted by the University to the appointment of the petitioner as Lecturer Senior Scale with effect from 27.7.1998. Ext.P4 is the order of the Deputy Director raising objections.

2. I heard learned Government Pleader. Counter affidavit is filed. Petitioner relied on the decision reported in **Cherian Mathew v. Principal, S.B.College, Changanassery** (1998(2) K.L.T. 144).

The writ petition is disposed of as follows:

The third respondent will place his objections to Ext.P2 before the fourth respondent within a period of one month from the date of receipt of a copy of this judgment. The fourth respondent will thereupon pass a reasoned order, which shall be communicated to the petitioner and the third respondent. If the decision is reiterating Ext.P2, the decision in **Cherian Mathew's Case** will govern the situation thereafter and the monetary benefits due to the petitioner will be

disbursed without any further delay.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.